



WEB COPY



Crl.O.P.No.183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.183 of 2023

I.Divya

... Petitioner

Vs.

The Inspector of Police,
W 13 All Women Police Station,
Tondiarpet, Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to file a FIR based on the complaint of the petitioner dated 02.08.2021 and as per the order of the learned XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.11330 of 2021 on 07.12.2021 and investigate the matter.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent to file a FIR, based on the complaint of the petitioner dated 02.08.2021 and as per the order of the learned XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.11330 of 2021 on 07.12.2021 and investigate the matter.

2. The learned counsel appearing for the petitioner submitted that the petitioner gave a complaint before the respondent police with regard to matrimonial dispute. The same has not been considered. Therefore, the petitioner filed a petition in Crl.M.P.No.11330 of 2021 before the learned XV Metropolitan Magistrate, George Town, Chennai, seeking direction for registration of FIR. The learned Magistrate while disposing the petition, directed the respondent to register the case, based on the complaint given by the petitioner. However, till date, no FIR has been registered. Hence, the present petition has been filed.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after a receipt of complaint dated 02.08.2021, the respondent police had conducted enquiry in C.No.105 of 2021 and it is pending.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

5. This Court on going through the order passed by the learned XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.11330 of 2021, finds that the learned Magistrate had passed the order with following directions:

"5. In result: this petition is allowed: The respondent -Inspector of Police, W13 Al Women Police Station, Tondiarpet is hereby directed to register complete the preliminary inquiry on the complaint of the petitioner dated 02.08.2021 in CSR No.105 of 2021 within a period of 15 days from the date of this order. If any prima facie case of commission of any cognizable offence is made in the preliminary inquiry, the respondent shall immediately register a case and proceed with the matter in accordance with law."



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G.CHANDRASEKHARAN,J.

shk

Despite the direction given by the learned Metropolitan Magistrate to register the case, the respondent police did not register the case, till now. Therefore, the petitioner is directed to approach the learned XV Metropolitan Magistrate, George Town, Chennai for further appropriate direction and action, in the manner known to law.

6. With the above directions, this Criminal Original Petition is disposed of.

05.01.2023

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To

1. The Inspector of Police,
W 13 All Women Police Station,
Tondiarpet, Chennai.
2. The Public Prosecutor,
High Court of Madras.

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